

1 NANCY NGUYEN SIMS (SBN 215869)
2 nancy.sims@bakermckenzie.com
3 MICHELLE CHUNG (SBN 312833)
4 michelle.chung@bakermckenzie.com
5 **BAKER & MCKENZIE LLP**
6 10250 Constellation Blvd, Suite 1850
7 Los Angeles, California 90067
8 Tel: 310.201.4728
9 Fax: 310.201.4721

10 Attorneys for Petitioner
11 SKY ZONE FRANCHISE GROUP, LLC

12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15

16 SKY ZONE FRANCHISE GROUP, LLC.,
17 a Missouri limited liability company,

18 Petitioner,

19 COLLEEN FITZGERALD, an individual;
20 ALBANY FUN AND FITNESS, LLC, a
21 limited liability company; TAYLOR FUN
22 AND FITNESS, LLC, a limited liability
23 company; FAMILY FUN AND FITNESS,
24 LLC, a limited liability company;
25 KALAMAZOO FUN AND FITNESS,
26 LLC, a limited liability company;
27 SAGINAW FUN AND FITNESS, LLC, a
28 limited liability company, ROCHESTER
FUN AND FITNESS, LLC, a limited
liability company,

Respondents.

CASE NO. 2:23-cv-00101-JWH-JPR

**APPLICATION FOR DEFAULT
JUDGMENT BY CLERK**

*[FILED CONCURRENTLY WITH
DECLARATION OF MICHELLE
CHUNG]*

1 TO THE CLERK OF THE COURT:

2 Pursuant to Federal Rules of Civil Procedure 55(b)(1) and Local Rule 58-5(b),
3 Petitioner Sky Zone Franchise Group, LLC (“Sky Zone”) hereby requests the entry
4 of default judgment against Respondents Colleen Fitzgerald, an individual; Albany
5 Fun and Fitness, LLC, a limited liability company; Taylor Fun and Fitness, LLC, a
6 limited liability company; Family Fun and Fitness, LLC, a limited liability company;
7 Kalamazoo Fun and Fitness, LLC, a limited liability company; Saginaw Fun and
8 Fitness, LLC, a limited liability company, Rochester Fun and Fitness, LLC, a limited
9 liability company (collectively, “Respondents”).

10 A request for entry of Clerk’s default for failure to respond or appear as against
11 Respondents was filed herein on February 14, 2023. Dkt. No. 17. Default was entered
12 against Respondents on February 16, 2023. Dkt Nos. 19-21.

13 The declaration of Michelle Chung filed herewith establishes proof of a sum
14 certain due and owing to Sky Zone by Respondents pursuant to a contract claim
15 adjudicated in an arbitration proceeding. Declaration of Michelle Chung (“Chung
16 Decl.”), ¶ 10. Respondents are not an infants, incompetent persons, or exempted
17 under the Servicemembers Civil Relief Act, 1940. Chung Decl., ¶¶ 8-9.

18 The judgment to be entered by the Clerk of the Court is \$1,251,523.73. Chung
19 Decl., ¶ 10, Ex. A.

20
21 Dated: March 2, 2023

BAKER & MCKENZIE LLP

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23 By: /s/MICHELLE CHUNG

NANCY NGUYEN SIMS

MICHELLE CHUNG

Attorneys for Petitioner

SKY ZONE FRANCHISE GROUP, LLC